

SEP 20 1972

IN THE  
SUPREME COURT OF THE UNITED STATES  
October Term, 1972  
No. 73-477

RICHARD E. GERSTEIN, State Attorney for  
the Eleventh Judicial Circuit of Florida,  
in and for Dade County,

Petitioner,

-vs-

ROBERT PUGH and NATHANIEL HENDERSON, on  
their own behalf and on behalf of all  
others similarly situated, and

THOMAS TURNER and GARY FAULK, on their  
own behalf and on behalf of all others  
similarly situated,

Respondents.

PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF  
APPEALS FOR THE FIFTH CIRCUIT

MOTION FOR LEAVE TO APPEAR  
AS *AMICUS CURIAE*

ROBERT L. SHEVIN  
Attorney General

RAYMOND E. MARKY  
Assistant Attorney  
General

GEORGE R. GEORGIEFF  
Assistant Attorney  
General



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Comes now the State of Florida, by  
and through its Attorney General, and  
requests permission of this Court to  
appear as *amicus curiae* in the above-  
styled cause on behalf of Petitioner,  
and for leave to join in Petitioner's  
brief and jurisdictional statement, and  
such other matters as may result there-  
from.

This motion is presented pursuant to Rule 42(4), Rules of the Supreme Court of the United States, reading in part as follows:

"4. Consent to the filing of a brief of an *amicus curiae* need not be had . . . for a State, Territory, or Commonwealth sponsored by its attorney general; . . . ."

The *amicus* has an interest in the outcome of the litigation in that it directly affects the constitutional validity of rules promulgated by the Florida Supreme Court which apply statewide in criminal matters.

WHEREFORE, movant respectfully awaits the order of this Court.

Respectfully submitted:

ROBERT L. SHEVIN  
ATTORNEY GENERAL

By Raymond E. Marky  
Assistant Attorney  
General

And:

By George R. Georgieff  
Assistant Attorney  
General

CERTIFICATE OF SERVICE

I, GEORGE R. GEORGIEFF, Counsel for *Amicus Curiae* and a member of the Bar of the United States, hereby certify that on the \_\_\_\_ day of September, 1973, I served copies of the Motion for Leave to Appear as *Amicus Curiae* on Bruce Rogow, Esquire, 733 City National Bank Building, Miami, Florida, and Phillip A. Hubbard, Esquire, Counsel for Respondents; and Peter L. Nimkoff, Esquire, Suite 607 Ainsley Building, 14 N.E. First Avenue, Miami, Florida, and Lewis Jepeway, Jr., Esquire, 101 E. Flagler Street, Miami, Florida, by First Class Mail, in a duly addressed envelope with postage prepaid.

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GEORGE R. GEORGIEFF  
Assistant Attorney General

The Capitol Building  
Tallahassee, Florida 32304

Counsel for *Amicus Curiae*